

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

GERALD PITTMAN,

Plaintiff,

Case no. 07-14892

HON. JOHN CORBETT O'MEARA

v.

KOLB, Officer,

Defendant.

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ORDER ADOPTING MAGISTRATE JUDGE BINDER'S
REPORT AND RECOMMENDATION

The Court having reviewed Magistrate Judge Charles E. Binder's Report and Recommendation filed September 24, 2009, as well as Defendant Kolb's Objections filed October 06, 2009, and being fully advised in the premises;

IT IS HEREBY ORDERED that the Report and Recommendation is accepted and adopted by this Court.

IT IS FURTHER ORDERED that Defendant's June 29, 2009, motion for summary judgment is DENIED as to both Plaintiff's Eighth Amendment claim and Plaintiff's First Amendment retaliation claim.

s/John Corbett O'Meara

United States District Judge

Date: December 11, 2009

I hereby certify that a copy of the foregoing document was served upon the parties of record on this date, December 11, 2009, using the ECF system and/or ordinary mail.

s/William Barkholz

Case Manager